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February 17, 2012

**VIA E-FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

FEB 17 2012

Part of  
Public Record

231866

**RE: Proposed Abandonment and Discontinuance of Service over the Lexington Industrial Lead from Milepost 246.49 near Myrick to Milepost 243.58 near Lexington, a distance of 2.91 miles in Lafayette County, Missouri; STB Docket No. AB-33 (Sub-No. 297X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a revised request<sup>1</sup> from the City of Lexington, Missouri ("City") dated February 16, 2012 seeking interim trail use and rail banking under the provisions of 16 U.S.C. §1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Lexington Industrial Lead, as defined above, a distance of 2.91 miles in Lafayette County, Missouri.

The Union Pacific is willing to negotiate with the City concerning the acquisition of the subject property for trail use and supports the City's revised request for the a 180-day negotiation period. A copy of the City's revised request is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely yours,



Attachment

cc: City of Lexington

O:\Abandonments\33-297X\2012\_02\_16 STB 180-Day Ext Trail Use Request.doc

<sup>1</sup> The City of Lexington, Missouri represents in its filing that it is now in a position to assume financial responsibility as per the Board's regulations for the proposed Trail as required under 49 C.F.R. § 1152.29.





# City of Lexington

February 16, 2012

E-filed

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street S.W.  
Washington, D.C. 20423-0001

RE: Union Pacific Railroad Abandonment In Lafayette County, Missouri, AB-33

Dear Mrs. Quinlan:

This request is filed on behalf of the City of Lexington which is a political subdivision interested in transportation, natural resources, conservation and recreation, etc., which is hereinafter referred to as "proponent".

While not taking a position on the merits of this abandonment, proponent requests issuance of a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between endpoint milepost 246.49 near Myrick and endpoint milepost 243.58 near Lexington in Lafayette County, Missouri.

In a decision served March 29, 2011 in AB-33 (Sub-No. 297X), Union Pacific Railroad Company – Abandonment Exemption – In Lafayette County, Mo., the Board granted the City of Lexington, Mo.'s request for a public use condition but denied its request for a Notice of Interim Trail Use, for two reasons. First, Union Pacific had not filed a response indicating its willingness to negotiate for interim trail use. Second, the Board determined that the City's statement of willingness did not conform to the requirements of the Trails Act and the Board's regulations at 49 C.F.R. Section 1152.29.

Union Pacific has now told the City that it is willing to negotiate for interim trail use. Also, the City is now in a position to state its willingness to assume financial responsibility as per the Board's regulations. Accordingly, the City of Lexington requests that the Board accept this late filed request for imposition of a Notice of Interim Trail Use. The City requests that the NITU cover the entire line approved for abandonment, being the Lexington Industrial Lead extending from milepost 246.49 near Myrick to milepost 243.58 near Lexington, in Lafayette County, Mo.

Interim Trail Use – The railroad right-of-way in this proceeding is suitable for railbanking. The proponent also makes the following request:

#### STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the City of Lexington is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of said right-of-way, to the extent permissible by law, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad Company and operated by the same company.

The property, known as the Lexington Industrial Lead extends from railroad milepost 246.49 near Myrick to railroad milepost 243.58 near Lexington a distance of 2.31 miles in Lafayette County, Missouri. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (297x). A map depicting the right-of-way is attached.

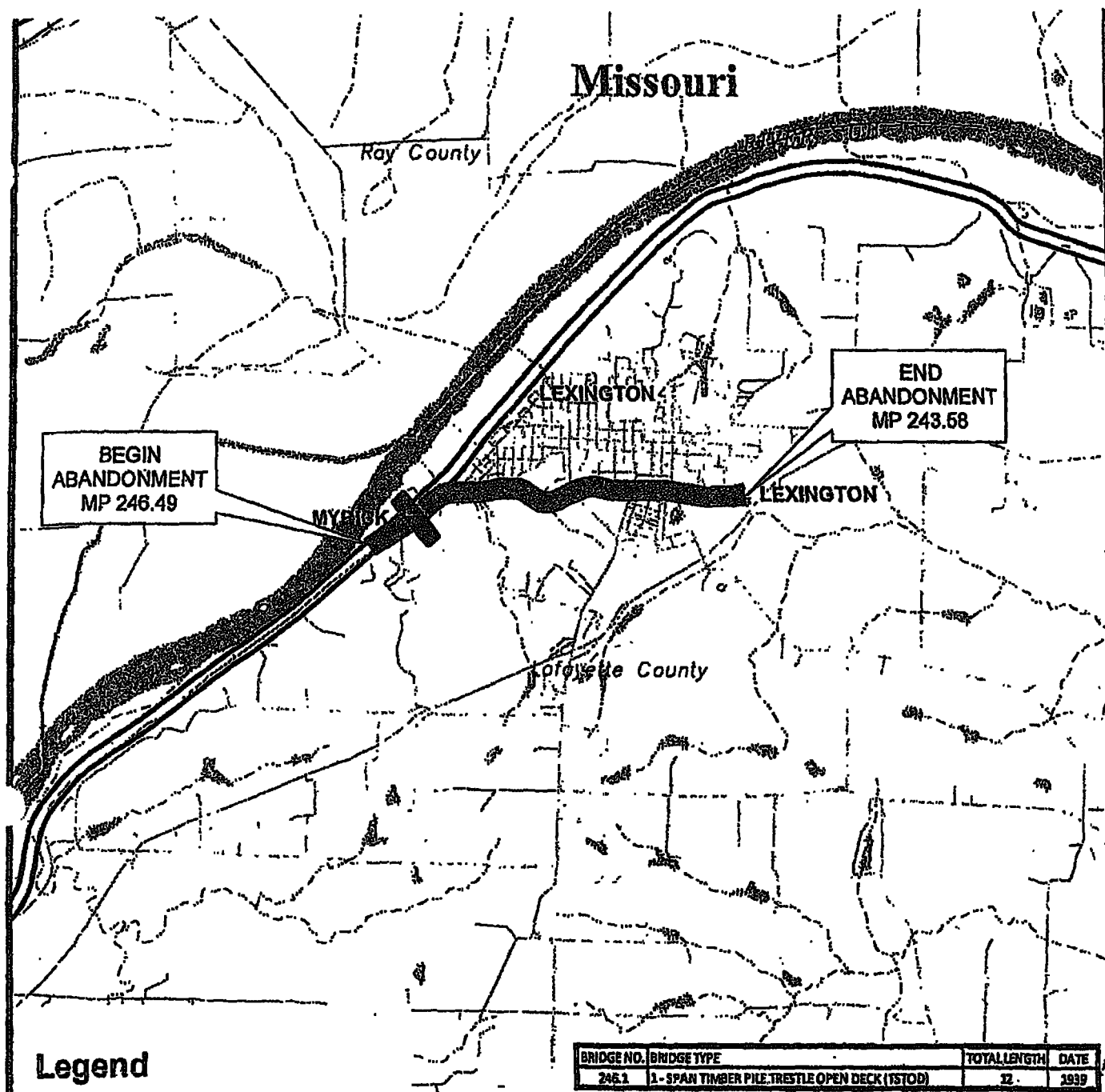
The City of Lexington acknowledges that use of the right-of-way is subject to the user's ability to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Union Pacific Railroad, 1400 Douglas St. Stop 1580, Omaha, NE 68179-1580.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. E. Brown", written over the printed name.

Jerry E. Brown, Mayor  
On Behalf of the City of Lexington



## LEXINGTON INDUSTRIAL LEAD

MP 243.58 TO MP 246.49  
2.91 MILES IN LAFAYETTE COUNTY  
IN MISSOURI

UNION PACIFIC RAILROAD CO.  
LEXINGTON INDUSTRIAL LEAD  
MISSOURI



2:abandonmentslab33\_297x\_lexington\_indl.mxd